

NOV 28 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Jentje DEELSTRA

Serial No. 10/769,896

Confirmation No. 9174

Filed: 3rd February 2004

Title: A DEVICE FOR AUTOMATICALLY
MILKING AN ANIMAL

Group Art Unit: 3643

Examiner: Swiatek

Atty. Dkt. No.: 04132.0029.00US00

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir,

Listed on accompanying form PTO/SB/08A and/or attached to this IDS are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each of these documents is provided.

It is respectfully requested that the Examiner initial and return a copy of the attached form PTO/SB/08A, and indicate in the official file wrapper of this patent application that the documents have been considered

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached form PTO/SB/08A based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120, 1138 OG 37, 38 (May 19, 1992).

The following items with checked boxes apply to this Information Disclosure Statement (IDS):

- ☐ 1. This IDS is being filed within three months of the U.S. filing date or entry of the national stage OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.
- ☐ 2. This IDS is being filed more than three months after the U.S. filing date or entry of the national stage AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
 - ☐ a. I hereby state that each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to filing this IDS. 37 C.F.R. § 1.97(e)(1); or
 - ☐ b. I hereby state that no item of information in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to filing this IDS. 37 C.F.R. § 1.97(e)(2); or
 - ☐ c. The Commissioner is authorized to charge **Deposit Account No. 08-3038**, referencing the above docket number, in the amount of \$180 in payment of the fee under 37 C.F.R. § 1.17(p).
- ☒ 3. This IDS is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the IDS be considered. The Commissioner is

authorized to charge **Deposit Account No. 08-3038**, referencing the above docket number, in the amount of \$180 in payment of the fee under 37 C.F.R. § 1.17(p).

- ☐ a. I hereby state that each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to filing this IDS. 37 C.F.R. § 1.97(e)(1); or
- ☐ b. I hereby state that no item of information in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to filing this IDS. 37 C.F.R. § 1.97(e)(2).
- ☒ 4. In regard to the relevance of non-English language document(s) listed on the enclosed form:
- ☐ a. For document(s) bearing Cite Nos. , a discussion is provided in the present specification.
- ☒ b. For document(s) bearing Cite Nos. B7 , which was/were cited in search report(s) for corresponding foreign application(s), an English language version or translation of relevant portions of the foreign search report(s) is attached.
- ☐ c. For document(s) bearing Cite Nos. , counterpart application(s) in English is/are provided bearing Cite Nos. .
- ☐ d. For document(s) bearing Cite Nos. an English language abstract is attached to the document(s).
- ☐ e. For document(s) bearing Cite Nos. an English language translation is attached to the document(s).
- ☐ f. For document(s) bearing Cite Nos. , a concise explanation of relevance is attached to the document(s).
- ☐ 5. The Examiner's attention is directed to co-pending U.S. Patent Application No. , filed on , which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a

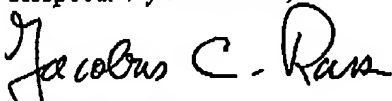
patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

- ☐ 6. Copies of document number(s) _____ was/were cited by or submitted to the Office in Application No. _____, filed on _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).
- ☒ 7. Copies of U.S. patents and published applications listed on the attached form PTO/SB/08A have not been submitted because this application was filed or entered the national stage under 35 U.S.C. § 371 after June 30, 2003. US PTO OG Notice dated August 5, 2003.
- ☐ 8. Additional document(s) that may be considered material to the examination of this application are enclosed in compliance with the duty of disclosure:

Any extension of time that may be deemed necessary to further the prosecution of this application is hereby requested. The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to **Deposit Account No. 08-3038**, referencing the docket number shown above.

The Examiner is respectfully requested to contact the undersigned by telephone at the number given below in order to resolve any questions.

Respectfully submitted,



Jacobus C. Rasser
Reg. No. 37,043

Date: Nov. 28, 2005

Customer No. 32894
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Please type a plus sign (+) inside this box



Modified PTO/SB/08A (08-00)

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>		Complete if Known			
		Application Number	10/769896		
		Filing Date	3 February 2004		
		First Named Inventor	Jentje Deelstra		
		Group Art Unit	3643		
		Examiner Name	Swiatek		
Sheet	1	of	1	Attorney Docket Number	04132.0029.00US00

U.S. PATENT DOCUMENTS						
Examiner Initials *	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A2	6 443 094	B1	DeWaard	09-03-2002	
	A3	6 205 949	B1	van den Berg	03-27-2001	
	A4	6 009 833	B1	van der Lely	01-04-2000	
	A5	5 967 081	A	Street et al	10-19-1999	
	A6	5 865 138	A	van der Lely	02-02-1999	
	A7	5 778 820	A	van der Lely et al	07-14-1998	
	A8	4 867 103	A	Montalescot et al	09-17-1989	
	A9	4 726 322	A	Torsius	02-23-1988	
	A10	4 685 422	A	Middel et al	08-11-1987	

FOREIGN PATENT DOCUMENTS								
Examiner Initials ^a	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ₅
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	B5	EPO	0194 729	A	C. van der Lely NV	09-17-1986		<input type="checkbox"/>
	B6	EPO	0 635 203	A	Texas Industries Inc	01-25-1995		<input type="checkbox"/>
	B7	SU	1484333	A	Northern Caucuses Live Stock	06-07-1989		<input checked="" type="checkbox"/>
								<input type="checkbox"/>
								<input type="checkbox"/>
								<input type="checkbox"/>
								<input type="checkbox"/>

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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